

Executive Registry
1-872

OGC Has Reviewed

20 June 1950

MEMORANDUM FOR: ACTING EXECUTIVE

SUBJECT: Air Conditioning Equipment

REFERENCE: Memo to Chief, Administrative Staff,
from Chief, Services Division, dtd
5 June 1950, Subj: Air Conditioning
Equipment for [REDACTED]

1. The memorandum of 5 June 1950 from the Chief, Services Division, to the Chief, Administrative Staff, (which accompanies this opinion), asks for the opinion of this office on the propriety of expending GSA funds for air conditioning equipment for [REDACTED]. Specifically, it asks whether the statutory exception pertaining to special laboratory, scientific, and research purposes may be applied to this situation.

2. By a statute effective October 26, 1942, all air conditioning equipment procured by a Federal activity for installation in Government-owned or leased buildings in the District, operated by GSA, was placed in the custody and control of GSA irrespective of the funds used for procurement and without exchange of funds. This provision looks to the future so that any such equipment bought now would, upon installation, pass to the custody and control of GSA (40 USCA 317). This same Section provides that appropriations, other than those made to GSA, would not thereafter be available for the purchase or installation of such equipment unless they specifically so provided. We are informed that GSA has no funds available for the purchase of such equipment nor have they the equipment in stock for installation as we desire.

3. We are faced, therefore, with the question whether the installation at [REDACTED] falls within the exceptions stated in the statute which pertain to equipment for special laboratory, scientific, and research purposes and, if not, whether CIA has authority to override the statutory prohibition set forth above.

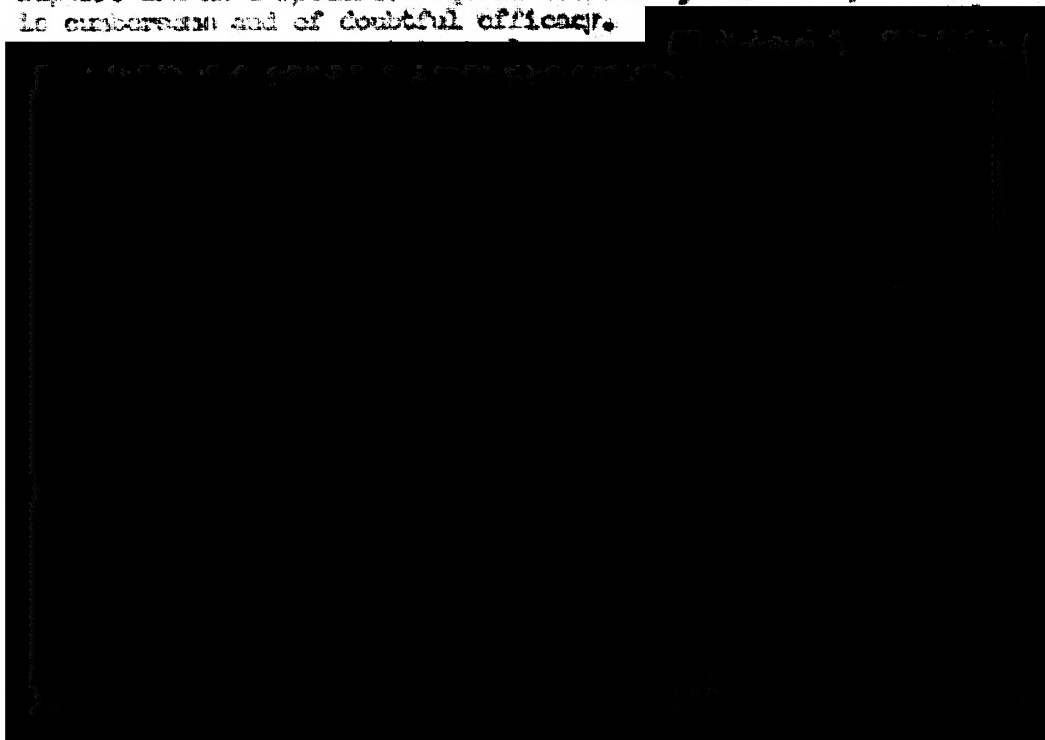
a. The exception providing for purchase of equipment for special laboratory, scientific, and research purposes is specifically applicable to ventilating and temperature and humidity control equipment. By normal rules and statutory construction, therefore, this exception would authorize purchase and installation of equipment only

where scientific specifications require close physical control of humidity, temperature and ventilation. We do not believe the exception can be extended to cover conditions arising out of physical discomfort of employees or efficiency relating to such discomfort. In our opinion, therefore, we may not rely on the statutory exception to purchase the desired equipment.

b. As CIA does not have annual appropriation language, there will never be specific appropriations to it for air conditioning equipment as required by the statute. CIA could support OSA in a specific request for funds, but this procedure is cumbersome and of doubtful efficacy.

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LAWRENCE R. HOUSTON
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